

EXHIBIT E



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November 19, 2021

Via Federal Express and Email (hello@cocoanddash.com)



Ms. Teddie Garrigan and Ms. Courtney Garrigan
The Garrigan Group, LLC d/b/a Coco & Dash
2819 N. Henderson Ave
Dallas, Texas 75206

**RE: Intellectual Property Infringement by The Garrigan Group, LLC d/b/a Coco & Dash
NP Ref. No. 048416-342**

Dear Ms. Garrigan and Ms. Garrigan:

We represent Hästens Sängar AB (“**Hästens**”) in connection with its intellectual property law matters. Hästens is engaged in the manufacturing, distribution and sale of beds and related products, including mattresses, linens, quilts and pillows. Hästens has several stores worldwide, including within the United States, through which it advertises and sells its products. Since at least as early as 1978, Hästens has been using in commerce its signature and distinctive repeating blue check design with quality beds, mattresses and bed accessories, representative images of which are enclosed as **Exhibit A** hereto. Further background information as to the origins of Hästens’ Blue Check Design is available at <https://www.hastens.com/en/our-story/blue-check>. Additionally, Hästens uses a check pattern, irrespective of color, in connection with high quality beds, mattresses and bed accessories. These designs collectively hereinafter referred to as the “**Hästens Check Designs**”.

In addition to the above-described use, Hästens is the owner of, *inter alia* the following federal trademark registrations in the United States that protect its exclusive right to use the Hästens Check Designs:

- **U.S. Registration No. 2,648,250** for  for *Furniture, namely beds, bedsteads and bedroom furniture; mirrors, bedroom mirrors, picture frames; bedding, namely, mattresses, spring mattresses, pillows and down pillows in Class 20 and Textile products not included in other classes, namely bed covers and curtains of textile; bed linen, namely, sheets and pillow cases; down quilts, bed blankets in Class 24;*
- Incontestable **U.S. Registration No. 3,813,053** for  for *Furniture, including beds, bedsteads and bedroom furniture; mattresses, spring mattresses, pillows and down pillows in Class 20 and Woven textiles, namely, sheets, towels, bed blankets; textile*

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products not included in other classes, namely, bed spreads bed linen, bed clothes including blankets and pillow cases; down quilts in Class 24;




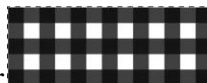
- **U.S. Registration No. 5,700,061** for  for *beds; mattresses sold as a component of beds; spring mattresses sold as a component of beds* in Class 20;

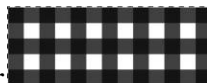


- **U.S. Registration No. 5,947,305** for  for *Furniture; Mattresses; Pillows; Beds* in Class 20, *Textile products, namely, bed linen, sheets, bed sets, pillow cases, duvet covers; bed covers; bedspreads; mattress covers; bed valances, bed skirts, canopies, bedroom curtains, plaids, towels, quilts, blankets and throws; down quilts* in Class 24, *Clothes, namely, pajamas; Footwear, namely, slippers, down socks* in Class 25, and *Marketing services; retail store services and providing consumer product information featuring beds, bedsteads, bed frames, bedroom furniture, mattresses, spring mattresses, overlay mattresses, pillows, down pillows, bed linen, sheets, bed sets, pillow cases, duvet covers, bed covers, bedspreads, mattress covers, bed valances, bed skirts, canopies, bedroom curtains, plaids, towels, quilts, blankets, throws, down quilts, pajamas, nightgowns, bathrobes, slippers and down socks, nightcaps, sleep masks and soft toys* in Class 35;



- **U.S. Registration No. 5,877,018** for  for *Furniture; Mattresses; Pillows; Beds* in Class 20, *Textile products, namely, bed linen, sheets, bed sets, pillow cases, duvet covers; bed covers; bedspreads; mattress covers; bed valances, bed skirts, canopies, bedroom curtains, plaids, towels, quilts, blankets and throws; down quilts* in Class 24, *Clothes, namely, pajamas; Footwear, namely, slippers, down socks* in Class 25, and *Marketing services; retail store services and providing consumer product information featuring beds, bedsteads, bed frames, bedroom furniture, mattresses, spring mattresses, overlay mattresses, pillows, down pillows, bed linen, sheets, bed sets, pillow cases, duvet covers, bed covers, bedspreads, mattress covers, bed valances, bed skirts, canopies, bedroom curtains, plaids, towels, quilts, blankets, throws, down quilts, pajamas, nightgowns, bathrobes, slippers and down socks, nightcaps, sleep masks and soft toys* in Class 35;








- **U.S. Registration No. 5,970,179** for  for *Furniture; Mattresses; Pillows; Beds* in Class 20, *Textile products, namely, bed linen, sheets, bed sets, pillow cases, duvet covers; bed covers; bedspreads; mattress covers; bed valances, bed skirts, plaids, towels, quilts, blankets and throws; down quilts* in Class 24, and *Clothes, namely, pajamas; Footwear, namely, slippers, down socks* in Class 25;

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- **U.S. Registration No. 5,970,178** for  for *Furniture; Mattresses; Pillows; Beds in Class 20, Textile products, namely, bed linen, sheets, bed sets, pillow cases, duvet covers; bed covers; bedspreads; mattress covers; bed valances, bed skirts, plaids, towels, quilts, blankets and throws; down quilts in Class 24, and Clothes, namely, pajamas; Footwear, namely, slippers, down socks in Class 25;*
- **U.S. Registration No. 5,950,959** for  for *Clothes, namely, nightgowns, bathrobes; Headgear, namely, night caps, sleep masks in Class 25;*
- **U.S. Registration No. 6,064,837** for  for *Clothes, namely, nightgowns, bathrobes; Headgear, namely, night caps, sleep masks in Class 25;*
- **U.S. Registration No. 6,072,194** for  for *Textile products, namely, canopies and bedroom curtains in Class 24; and*
- **U.S. Registration No. 6,072,195** for  for *Textile products, namely, canopies and bedroom curtains in Class 24.*

It has come to our attention that The Garrigan Group, LLC d/b/a Coco & Dash (“**Coco & Dash**”) is selling products, including but not limited to furniture that features the famous Hästens Check Designs or confusingly similar designations thereof, such as the following. *See Exhibit B.* As you can see, the products Coco & Dash offers feature an almost identical design to the Hästens Check Designs.



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The U.S. Lanham Act (15 U.S.C. § 1114) provides, in pertinent part, as follows:

Any person who shall, without the consent of the registrant . . . use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive, . . . shall be liable in a civil action by the registrant. . . .

Further, the Lanham Act (15 U.S.C. § 1117(a)) provides that:

When a violation of any right of the registrant of a mark registered in the Patent and Trademark Office, a violation under section 43(a) or (d) [§ 11215(c) or (d)], or a willful violation under section 43(c), shall have been established in any civil action arising under this Act, the plaintiff shall be entitled . . . to recover (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) the costs of the action.

In addition, the Lanham Act (15 U.S.C. § 1117(c)) provides that:

In a case involving the use of a counterfeit mark . . . in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, . . . to recover, instead of actual damages and profits under subsection (a), an award of statutory damages . . . in the amount of—

(1) not less than \$1,000 or more than \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

(2) if the court finds that the use of the counterfeit mark was willful, not more than \$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.

Coco & Dash's use of the Hästens Check Designs is unauthorized and is likely to create confusion in the marketplace as to the source of the goods. As such, Coco & Dash's use of the Hästens Check Designs is deemed to constitute trademark and trade dress infringement, copyright infringement, unfair competition, amongst other causes of action.

Hästens wishes to resolve this matter amicably, without resorting to litigation. However, Hästens must take whatever action is necessary to protect its valuable intellectual property. In order to amicably resolve the matter, Hästens demands that Coco & Dash immediately provide us with written assurances, by no later than **December 3, 2021**, that Coco & Dash will:

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- (1) Immediately cease and desist from any and all further use of the Hästens Check Designs and all designs confusingly similar thereto in connection with the sale and/or advertising of Coco & Dash products;
- (2) Provide a full and detailed accounting of all products Coco & Dash has sold bearing the Hästens Check Designs or designs confusingly similar thereto; and
- (3) Provide us with an inventory of all products bearing the Hästens Check Designs or designs confusingly similar thereto that Coco & Dash has in stock.

Upon receiving these assurances, we will prepare and send a settlement agreement for the formal resolution of this matter. Coco & Dash is now on notice of Hästens' rights. Any further use of the above-described Check Designs, or designs confusingly similar thereto, will be deemed to constitute willful infringement.

The demands herein are made for settlement purposes only. They are made without prejudice to Hästens' valuable intellectual property rights, all of which are expressly reserved. We appreciate your attention to this matter, and look forward to hearing from you.

Very truly yours,

NIXON PEABODY LLP

A handwritten signature in black ink, appearing to read "David L. May", written over a horizontal line.

David L. May
Partner

EXHIBIT A





EXHIBIT B

11/02/2021 https://cocoanddash.com/products/gloria-sofa?_pos=1&_sid=3574c27e98_ss=r

Search...

214-370-9743

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Quote Request

Checkout

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